

Exhibit 1



Entered on Docket
May 21, 2009

A handwritten signature in black ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Rob Charles (NV 6593)

John Hinderaker (AZ 018024)

3993 Howard Hughes Parkway, Ste. 600

Las Vegas, Nevada 89169-5996

Telephone (520) 629-4427

Facsimile (520) 879-4705

Email: rcharles@lrlaw.com

jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

☐ All Debtors

☒ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☒ USA Capital Diversified Trust Deed Fund, LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR

Case No. BK-S-06-10726-LBR¹

Case No. BK-S-06-10727-LBR

Case No. BK-S-06-10728-LBR²

Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under

Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF
USACM TRUST TO PROOF OF CLAIM
OF NEWBY 1984 FAMILY TRUST
DATED 3/19/84 AS FILED PARTIALLY
IN WRONG DEBTOR'S CASE;
OBJECTION OF DTFD TO PROPOSED
ALLOWANCE OF CLAIM**

Hearing Date: April 30, 2009

Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.



The Court having considered the "Objection of USACM Trust to Proof of Claim of Newby 1984 Family Trust Dated 3/19/84 As Filed Partially in Wrong Debtor's Case; Objection of DTDF to Proposed Allowance of Claim" [Docket No. 6961] (the "Objection"); with appropriate notice of the Objection having been given; with no response to the Objection having been filed; and good cause appearing:

IT IS HEREBY ORDERED that:

1. The Objection to proof of claim No. 10725-02487 filed by Newby 1984 Family Trust Dated 3/19/84 ("Newby") is sustained;
2. \$144,000 of Newby's \$345,000.00 claim against USACM is disallowed;
3. Any proposed allowance of Newby's claim in the DTDF case is disallowed;
4. Newby is allowed to retain an equity interest in DTDF in the amount of \$144,141.97 as reflected in the books and records of DTDF as of April 13, 2006; and
5. Nothing in this order should prejudice the rights of USACM Trust to file further objections to any portion of the claim.

PREPARED AND RESPECTFULLY SUBMITTED BY:

LEWIS AND ROCA LLP

By /s/ John Hinderaker (018024)
Rob Charles
John Hinderaker
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone: (520) 629-4427
Facsimile: (520) 879-4705

Attorneys for USACM Liquidating Trust

LEWIS
AND
ROCA
LLP
LAWYERS

1 APPROVED/DISAPPROVED

2
3 By: _____
4 August Landis
5 Assistant United States Trustee

6 APPROVED/DISAPPROVED

7
8 By: /s/ Claire Dossier
9 Claire Dossier
10 SNELL & WILMER, LLP
11 Attorneys for USA Capital Diversified Trust Deed Fund
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: Claire Dossier	
<input checked="" type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

###

Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)

Rob Charles

John Hinderaker

Attorneys for USACM Liquidating Trust